

REMARKS

Claims 40-42, 46-51 and 55-132 were pending in the application at the time of the Office Action.

The specification stands objected to as failing to provide proper antecedent basis for various claimed subject matter.

The specification stands objected to as failing to include appendices.

Claims 70, 71, 74, 108, 109 and 112 stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement.

Claims 40-42, 46-51, 55-69, 72, 73, 75-107, 110-111 and 113 stand allowed.

For at least the reasons stated below, the Applicants respectfully traverse the above rejections and objections and submit that all currently pending claims are allowable.

Examiner Interviews

The Applicants would like to thank the Examiner for the interviews of April 12, 2010 and April 26, 2010. The Examiner and the Applicants' representative discussed the claim rejections under 35 U.S.C. § 112 and the objections to the specification.

In particular, the parties discussed replacing the term "pseudo-random" in the claims with the term "random" to make the claim terminology consistent with the terminology utilized in the specification. The Examiner stated that such amendment would overcome the 35 U.S.C. § 112 rejection of claims 70, 71, 74, 108, 109 and 112 (which was inadvertently identified as claim 113 in the Office Action). The Examiner also stated that such amendment would overcome the objection to the specification stated at paragraph 1 of the Office Action based on utilization of the term "pseudo-random".

Also, the parties discussed the remainder of the specification objections stated in paragraph 1 of the Office Action. The Applicants believe that such objections were inadvertently copied into the presented Office Action from the previous Office Action, such objections having been overcome by the previous response. For example, the previous Office Action included such objections to the specification and corresponding claim rejections under 35 U.S.C. § 112. In response to an Examiner interview, the previous response addressed such

objections to the specification and corresponding claim rejections under 35 U.S.C. § 112. The present Office Action indicates that the previous claim rejections under 35 U.S.C. § 112 were overcome, and thus the Applicants believe that the corresponding specification objections were similarly overcome. In the Examiner Interview of April 12, 2010, the Examiner requested that the Applicants memorialize the above-mentioned discussion.

Additionally, the parties discussed the objection to the specification stated at paragraph 2 of the Office Action regarding appendices. In particular, the Examiner requested that the Applicants insert a comment in the specification directing the reader to the continuation parent application in which such appendices may conveniently be found. This response amends the specification to add such a comment.

Objections to the Specification

As stated above in the “Examiner Interviews” section, the Applicants believe that the objections to the specification have been overcome.

Claim Rejections

Claims 70, 71, 74, 108, 109 and 112 stand rejected under 35 U.S.C. § 112, ¶ 1, as failing to comply with the written description requirement. The Applicants respectfully traverse such rejections.

As an initial matter, in the Examiner Interview of April 12, 2010, the Examiner verified that the Office Action inadvertently identified claim 113 as the rejected claim and should have identified claim 112 instead.

Turning now to the rejections, as discussed above, on April 12, 2010, the Examiner and the Applicants’ representative discussed the rejection of claims 70, 71, 74, 108, 109 and 112 under 35 U.S.C. § 112, ¶ 1. In particular, the parties discussed replacing the term “pseudo-random” in the claims with the term “random” to make the claim terminology consistent with the terminology utilized in the specification. The Examiner stated that such amendment would overcome the 35 U.S.C. § 112 rejection of claims 70, 71, 74, 108, 109 and 112 (and the related objection to the specification).

As explained in detail in the previous response filed on Sept. 24, 2009, the Applicants believe that one of ordinary skill in the art would understand the system disclosed in the specification to utilize pseudo-random numbers, even though the specification uses the shorthand term “random”. Nonetheless, to address the Examiner’s concern with using consistent terminology between the specification and the claims and to expedite allowance of the present application, the Applicants have amended claims 70, 71, 74, 108, 109 and 112 to utilize the term “random” instead of “pseudo-random”. Accordingly, the Applicants submit that claims 70, 71, 74, 108, 109 and 112 are allowable. The Applicants submit that such claim amendment, being submitted merely for the purposes of terminology consistency, does not affect the scope of the amended claims.

Final Matters

The Office Action includes various statements, including without limitation statements regarding various pending claims, the specification and 35 U.S.C. § 112, which are now moot in view of the previous amendments and comments. Thus, the Applicants will not address all of such statements at the present time. The Applicants neither agree nor disagree with such statements and explicitly reserve the right to challenge any of such statements in the future should the need arise (*e.g.*, if any of such statements are repeated in a future rejection of any claim).

Summary

In summary, the Applicants believe that all pending claims 40-42, 46-51 and 55-132 are in condition for allowance and courteously solicit a Notice of Allowability with respect to all such pending claims. If the Examiner feels that this response does not place the application in condition for allowance, the Applicants invite the Examiner to contact the Applicants’ representative to discuss any remaining issues and/or effect any necessary amendments.

Appl. No. 10/657,785
Resp. dtd. April 27, 2010
Resp. to Office action dtd. Oct. 28, 2009

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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